

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DONALD C. HUTCHINS,

Plaintiff,

V.

CARDIAC SCIENCE, INC., et al.;

Defendants.

Civil Action: 04-30126-MAP

MOTION TO REMAND

On January 4, 2006, Plaintiff, Donald C. Hutchins (“Hutchins”) filed an Amended Notice of Remand (the “Notice”) in this case, seeking to remove Case Number 05-1115, captioned Compliant v. Hutchins, et al., a collection action pending in the Superior Court of Hampden County, Massachusetts (the “Hampden County collection action”). Through his Notice, Hutchins’ seeks to remove and consolidate the Hampden County collection action with this case.

As set forth in the accompanying Memorandum in Support, however, Hutchins' Notice is fatally defective and, accordingly, Compliant respectfully requests that the Hampden County collection action be remanded.

Respectfully submitted,

/s/ John J. Egan

JOHN J. EGAN (151680)
EGAN, FLANAGAN & COHEN, P.C.
PO Box 9035
67 Market Street
Springfield, MA 01102-9035
(413) 737-0260
FAX (413) 737-0121

WILLIAM E. COUGHLIN (Ohio Bar # 0010874)
COLLEEN MORAN O'NEIL (Ohio Bar # 0066576)
CALFEE, HALTER & GRISWOLD LLP
1400 McDonald Investment Center
800 Superior Avenue
Cleveland, Ohio 44114
(216) 622-8200
(216) 241-0816 (facsimile)

Attorneys for Compliant Corporation